

DOCKET FILE COPY ORIGINAL  
Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

ORIGINAL

In the Matter of )

Petition for Rulemaking to Adopt A Uniform ) RM 8392  
Definition of Facilities-Based Carriers )

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JAN 27 1994  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**OPPOSITION TO REQUEST FOR ACCEPTANCE  
OF LATE-FILED COMMENTS, OR IN THE  
ALTERNATIVE, MOTION TO PROVIDE FURTHER PUBLIC NOTICE**

IDB Communications Group, Inc. ("IDB") hereby opposes the "Request for Acceptance of Late-Filed Comments" (the "Request") filed January 19, 1994 by American Telephone and Telegraph Company ("AT&T") in the above-captioned proceeding. In the alternative, IDB submits that if the FCC grants AT&T's Request, the FCC must issue a further Public Notice in the above-captioned proceeding so that all parties have an opportunity to file reply comments.

AT&T provides no valid justification for the Commission to grant its Request. IDB's Petition for Rulemaking was placed on Public Notice on November 30, 1993 in Report No. 1988. Comments were due December 30, 1993 and reply comments were due January 14, 1994.

AT&T states that it was not aware that IDB's Petition had been placed on Public Notice until January 13, 1994. AT&T does not even attempt to explain why it was not aware of a Public Notice until one and one-half months after publication of the Public Notice. AT&T cannot now be allowed to file comments after the time for filing comments and reply comments has passed.

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Further, the public interest will not be served by the acceptance of AT&T's late-filed comments. Parties interested in this proceeding would have no notice that AT&T had filed comments. These parties would have reviewed the Commission's files shortly after the December 30, 1993 deadline for filing comments. Having determined that no comments were filed, parties would have had no reason (or opportunity) to file reply comments. The Commission is well aware that many interested parties choose not to file initial comments, but file reply comments after reviewing the initial comments. AT&T cannot be allowed to circumvent this well established procedure by filing comments after the comment date, let alone after the reply comment date.

In the alternative, if the Commission grants AT&T's Request, the public interest and administrative fairness require that a further Public Notice be issued advising all parties that late-filed comments in opposition to IDB's petition for rulemaking have been filed, and affording all parties a fifteen day period to file reply comments. At a minimum, the FCC must publish notice of AT&T's filing in the listing of "Ex Parte Presentations" so that other interested parties can be made aware of AT&T's late-filed comments.

Respectfully submitted,

IDB COMMUNICATIONS GROUP, INC.

*Robert S. Koppel*

Robert S. Koppel

Vice President, Legal and  
Regulatory Affairs

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January 27, 1994

## CERTIFICATE OF SERVICE

I, Susanne Deljoubar, hereby certify that I have this 27th day of January, 1994 sent a copy of the foregoing "Opposition to Request for Acceptance of Late Filed Comments, or in the Alternative, Motion to Provide Further Public Notice" by first class U.S. mail, postage prepaid to the following:

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Susanne Deljoubar

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\*/ Delivered by hand.